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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,602	08/24/2001	Huang Meng-Suen	1907.P125	8988

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EXAMINER

SEVER, ANDREW T

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,602

Applicant(s)

MENG-SUEN, HUANG

Examiner

Andrew T Sever

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002 and 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9-15,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2002 has been entered.

Drawings

2. The corrected or substitute drawings were received on 12/23/2002. These drawings are not acceptable.

3. The drawings as received on 12/23/2002 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 36. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

A further review of the drawing revealed that film assembly 36 was not labeled in the drawings.

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4. The drawings as received on 12/23/2002 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carriage must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings may or may not show the “carriage” since this term is not supported by the written description. No part in the drawings has been labeled as the carriage.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 5-7, and 9-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 1 and 14 have been amended to include a “carriage” for supporting the film assembly, periscope and plurality of rollers and the motor. The use of the term “carriage” was not found in the specification and one with ordinary skill in the art would not be able to determine from the specification for sure how the carriage is

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mounted in relationship to the housing, lens, and other components, and exactly which components are included in the carriage and which are not. For example is part # 39 of figure 4, part of the carriage or what the carriage is mounted too? Since it is unclear what exactly the carriage comprises of independent claims 1 and 14 as amended are rejected. Claims 5-7, 9-13, 15, 18, and 19 are dependent on either claim 1 or 14 and are therefore also rejected due to their dependency on the rejected base claims and in the case of claim 9 for having the term carriage in the claim language.

As nearly as can be understood from the claim language, the prior did not teach the carriage which is sliding secured to the lens for purposes of adjust the focus of an image.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 5-7, and 9-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 14 as amended claim a carriage for support the film assembly, the periscope, the plurality of rollers, and the motor, however in the first paragraph of the claims, the film assembly is claimed to comprise of a periscope, a plurality of rollers. The claims are indefinite since one of ordinary skill in the art could not tell for sure how many periscopes and rollers are being claimed, since the carriage is taught to support both the film assembly which includes the periscope and plurality of

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rollers, and the periscope and plurality of rollers. These claims are unclear and are therefore rejected. Claims 5-7, 9-13, 15, 18, and 19 are dependent on claims 1 or 14 and are therefore also rejected.

As nearly as can be understood from the claim language, the prior did not teach the carriage which is slidingly secured to the lens for purposes of adjust the focus of an image.

Allowable Subject Matter

9. Claim 20 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

Claim 20 claims a supporting means for supporting the mounting means, light path shifting means and the scrolling means. Said supporting means is slidingly secured to the lens for performing focusing. Further the supporting means can be removed from the housing to interchange films. Although much of the claim is taught by Hicks in view of Holloway as explained in paragraph 3 of paper number 8 mailed on 9/24/2002. Hicks in view of Holloway do not teach a supporting means that is slidingly secured to the lens for performing focusing.

Further this feature was not found in other prior art references.

Although changing the distance between the projection lens and the film/media having light shown through it for purposes of adjusting focus is well known such as in the case of the common overhead projector such as the one taught by Kyhl et al. (US 5,374,969), the prior art does not teach moving the mounting means, light path shifting means, and scrolling means.

Since those parts which are moved by the claimed supporting means are far more complex then

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moving the simple projection lens and light path shifting means of an overhead projector, it would not be obvious to combine the teachings of an overhead projector with that of Hicks in view of Holloway. Therefore claim 20 is allowed.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,902,117 to Papp teaches a projection system that includes a movable projector which adjust image size and inherently focus.

US 1,885,841 to P. Krupnik teaches a film projector that has several adjustable parts, however the film assembly appears to be stationary with respect to the housing.

US 6,481,853 to the present applicant Meng-Suen teaches a similar image projector to the claimed projector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Sever whose telephone number is 703-305-4036. The examiner can normally be reached M-TH 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached at 703-308-2847. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

AS

March 5, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800